

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT SEDORE,

Plaintiff,

v.

CASE NO. 2:22-cv-10060  
HON. GERSHWIN A. DRAIN

SIRENNA LANDFAIR, *et al.*,

Defendants.

---

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION [#95], AND GRANTING IN PART AND DENYING  
IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [#74]**

**I. INTRODUCTION**

Presently before the Court is Magistrate Judge Kimberly G. Altman's December 6, 2023 Report and Recommendation recommending that the Court grant in part and deny in part Defendants Sireнна Landfair's, Alinda Florek's and the Michigan Department of Corrections' (MDOC) Motion for Summary Judgment. Specifically, Magistrate Judge Altman recommends that Plaintiff Scott Sedore's ADA and Rehabilitation Act claims against Landfair and Florek be dismissed in their individual capacities and his ADA and Rehabilitation Act claims against the MDOC and First Amendment retaliation claims against Landfair and Florek remain.

On December 19, 2023, Plaintiff filed an Objection to the Magistrate Judge's Report and Recommendation, and the Defendants filed their Response to his Objection on December 21, 2023. In his objection, Plaintiff complains that the Magistrate Judge failed to address his perjury accusation against Landfair. Plaintiff maintains that Landfair's affidavit in support of her summary judgment motion is perjurious because she claimed that she had "no knowledge of Plaintiff's previously filed kites, grievances and lawsuits." To the contrary, Plaintiff maintains that Landfair's signature is present on at least 40-50 grievances related to Plaintiff's healthcare. In their Response to Plaintiff's Objection, Defendants point to Landfair's amended affidavit which retracted her assertion that she had no knowledge of Plaintiff's prior kites, grievances and lawsuits.

## **II. ANALYSIS**

### **A. Standard of Review**

Title 28 U.S.C. § 636 sets forth the standard of review used by the Court when examining a report and recommendation. The Court, "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This Court has the power to, "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*

## **B. Objection**

Plaintiff objects to the Magistrate Judge's failure to address his perjury accusation against Landfair in the Report and Recommendation. Because the Magistrate Judge did not rely on Landfair's assertion that she had "no knowledge of Plaintiff's previous kites, grievances and lawsuits" in reaching her recommendation, Plaintiff has suffered no prejudice from Landfair's purported perjurious testimony. To the extent that Plaintiff attempts to allege a claim of perjury in the instant lawsuit, such a claim is without merit. While perjury is a federal crime under 18 U.S.C. § 1621, there is no private right of action which would entitle Plaintiff to assert such a claim. *See Alexander v. Sandoval*, 532 U.S. 275, 286-87 (2001). Here, the Magistrate Judge did not err in declining to address Plaintiff's perjury accusation in her Report and Recommendation. The Magistrate Judge did not rely on Landfair's statement that she had "no knowledge of Plaintiff's previous kites, grievances and lawsuits" in reaching her recommendation that Plaintiff's First Amendment retaliation claim should remain.

## **III. CONCLUSION**

Accordingly, the Court hereby ACCEPTS AND ADOPTS Magistrate Judge Kimberly G. Altman's Report and Recommendation [#95], and GRANTS IN PART AND DENIES IN PART Defendants' Motion for Summary Judgment [#74]. Plaintiff's First Amendment retaliation claim against Landfair and Florek,

as well as his ADA and Rehabilitation claims against the MDOC remain. Plaintiff's ADA and Rehabilitation claims against Landfair and Florek in their individual capacities are DISMISSED.

SO ORDERED.

Dated: January 3, 2024

/s/Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
January 3, 2024, by electronic and/or ordinary mail.

s/ Lisa Bartlett  
Case Manager